



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 15, 2016

[REDACTED]
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

Re: FOIA Request for Review – 2016 PAC 42138


Dear [REDACTED]

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2014)). For the reasons that follow, the Public Access Bureau concludes that no further action on this matter is warranted.

On April 22, 2016, you submitted a FOIA request to the Office of the Cook County State's Attorney (State's Attorney's Office) seeking the grand juror deliberations and grand juror votes from your case. On May 4, 2016, the State's Attorney's Office responded that it has no records of the grand jury deliberations or votes from your case, but, regardless, section 112-6 of the Code of Criminal Procedure (725 ILCS 5/112-6 (West 2014)) prohibits the State's Attorney's Office from disclosing such information. On June 8, 2016, you submitted the above-captioned Request for Review contesting the State's Attorney's Office's response.

Even if the State's Attorney's Office possesses records responsive to your request, section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a) (West 2014), as amended by Public Acts 99-298, effective August 6, 2015; 99-346, effective January 1, 2016) allows a public body to withhold "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law[.]" Section 112-6(b) of the Code of Criminal Procedure (725 ILCS 5/112-6(b) (West 2014)) requires secrecy of grand jury proceedings; it states that grand jury matters "other than the deliberations and vote of any grand juror shall not be disclosed by the State's Attorney, except as otherwise provided for in subsection (c)." Correspondingly, subsection (c) (725 ILCS 5/112-6(c) (West 2014)) provides, in pertinent part:

(c)(1) Disclosure otherwise prohibited by this Section of matters occurring before the Grand Jury, other than its deliberations and the vote of any grand juror, may be made to:


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- a. a State's Attorney for use in the performance of such State's Attorney's duty; and
- b. such government personnel as are deemed necessary by the State's Attorney in the performance of such State's Attorney's duty to enforce State criminal law.

* * *

(3) Disclosure otherwise prohibited by this Section of matters occurring before the Grand Jury may also be made when the court, preliminary to or in connection with a judicial proceeding, directs such in the interests of justice or when a law so directs.


The provisions of section 112-6 mean that the deliberations and votes of grand jurors are specifically prohibited from disclosure unless a court order or a law directs otherwise. There is no indication that a court order or a law directs the State's Attorney's Office to provide you with the deliberations and votes of the grand jurors in your case pursuant to FOIA. Accordingly, even if the State's Attorney's Office possesses responsive records, those records are exempt from disclosure pursuant to section 7(1)(a) of FOIA. Therefore, no further action on this matter is warranted.

If you have any questions, you may contact me at the Chicago address on the first page of this letter. This letter serves to close this matter.

Very truly yours,


JOSH JONES
Supervising Attorney
Public Access Bureau

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cc: *Via electronic mail*
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